

Remarks

The Office has required Applicant to elect one of three perceived inventive concepts to which the claims must be restricted: Group I (claims 1-56), drawn to a method for preparing a nerve tissue graft by culturing the nerve tissue, classified in class 435, subclass 368; Group II (claims 57-82), drawn to a nerve graft comprising a nerve tissue, classified in class 435, subclass 1.1; and Group III (claims 83-115), drawn to a method for implanting a nerve graft, classified in class 424, subclass 9.1.

Applicant hereby elects, with traverse, Group I, namely, claims 1-56. Applicant respectfully requests reconsideration and withdrawal of the restriction requirement insofar as a search for publications relating to any one of the Groups should reveal publications relating to the other Groups and thus would not impose a serious burden on the Examiner. Applicant reserves the right to pursue any non-elected claims in one or more related applications if the restriction requirement is maintained.

In addition, Applicants have amended the claims. Specifically, claims 5, 24-29, and 41 are cancelled without prejudice to their subsequent reintroduction into this application or their introduction into a related application; claims 1, 20, 21, 38, 48, 49, and 52 are amended without any intention of disclaiming equivalents thereof; and new claims 116-123 are added.

Amended claims 1, 20, 21, 38, 48, 49, and 52 are rewritten, and new claim 116 is added, to conform the pending claims of this application to the allowed claims of the application to which this application claims priority, U.S.S.N. 10/218,864. New claims 116-123 fall within Group I. Support for these amended and new claims is found throughout the specification as filed, for example, on page 9, lines 14-21; on page 15, lines 6-18; on page 18, lines 25-27; on page 27, line 10 to page 28, line 25; on page 29, lines 14-17; on page 34, lines 16-21; on page 51, lines 6-21; on page 55, lines 19-25; and on page 56, lines 5-23. Upon entry of the this paper, claims 1-4, 6-23, 30-40, and 42-123 will be pending and under examination. Applicant believes that the foregoing amendments introduce no new matter.

Applicant also invites the Examiner to examine the claims of U.S.S.N. 10/218,864 for potential double patenting issues.

Applicant respectfully requests that the application now proceed promptly to examination. The Office is invited to contact the undersigned attorney to discuss any matters relating to the application. Early favorable action is respectfully solicited.

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Respectfully submitted,



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